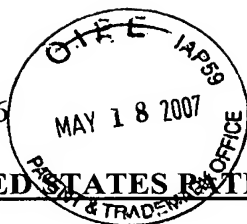


DOCKET NO.: 219204US6



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

GROUP: 2179

Katsushi FUJII, et al.

SERIAL NO: 10/067,310

EXAMINER: HUYNH, B.

FILED: February 7, 2002

FOR: INFORMATION PROCESSING APPARATUS, INFORMATION
PROCESSING METHOD, RECORDING MEDIUM, AND PROGRAM

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s). No more than five (5) pages are provided.

I am the attorney or agent of record.

Respectfully Submitted,

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Registration No. 47,998

DOCKET NO: 219204US6



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
KATSUSHI FUJII, ET AL. : EXAMINER: HUYNH, B.
SERIAL NO: 10/067,310 :
FILED: FEBRUARY 7, 2002 : GROUP ART UNIT: 2179
FOR: INFORMATION PROCESSING :
APPARATUS, INFORMATION
PROCESSING METHOD, RECORDING
MEDIUM, AND PROGRAM

REMARKS ACCOMPANYING
PRE-APPEAL BRIEF REQUEST FOR REVIEW

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants respectfully request that a Pre-Appeal Brief Conference be initiated in accordance with the pilot program outlined in the Official Gazette Notice of July 12, 2005.

FAILURE TO PRESENT A *PRIMA FACIE* CASE OF OBVIOUSNESS

Applicants submit that the Official Action of January 18, 2007 has failed to provide a *prima facie* case of obviousness with respect to any of Claims 1-4 under 35 U.S.C. §103.¹

Independent Claim 1 recites, *inter alia*:

a storing unit configured to store the whole or part of
the contents of the group chatting performed in the group chat
space in a shared file *generated when the group chat space is
generated*; and

¹See Official Action of January 18, 2007 detailing the rejection of Claims 1-4 under 35 U.S.C. §103 as unpatentable over Dworkin (U.S. Patent Publication No. 2002/0071540) and Dailey et al. (U.S. Patent No. 6,363,352, hereinafter Dailey) and further in view of Takagi et al. (U.S. Patent Application Publication No. 2002/0002584, hereinafter "Takagi").

a supply unit configured automatically to supply the whole or a part of the contents of group chatting performed in the group chat space *to the first terminal by sending the shared file after completion of the delivery of the first service to the second terminal.*

With regard to “a supply unit,” the outstanding Office Action asserted that this feature was either inherent in Dworkin, or that it was taught by Dailey. With regard to the first assertion, it is respectfully noted that no evidence or rationale was included as to why this feature would be necessarily present in Dworkin. Accordingly, this assertion does not meet the requirements for a rejection based on inherency as provided in MPEP §2112.

With regard to the second assertion, Dailey describes a virtual meeting system in which a meeting host computer may schedule a virtual meeting. As noted at column 5, lines 24-27 of Dailey, if an electronic document is specified in a meeting request, the electronic document is opened on the meeting host computer and an associated electronic document editing application. For example, participants can edit the electronic document during the virtual meeting.² Dailey further describes that a reminder may be sent to the participants regarding a scheduled meeting.³ These features were cited with respect to the storing unit of Claim 1 by the outstanding Office Action. However, neither the collaborative editing of an electronic document nor the sending of meeting reminders is storing a whole or a part of a contents of a group chatting performed in a group chat space in a shared file *generated when the group chat space is generated*. Thus, it is respectfully submitted that Dailey does not teach or suggest “a storing unit” as defined in Claim 1.

With regard to the “supply unit” recited in Claim 1, the outstanding Office Action conceded that Dworkin does not teach or suggest this element, and cited paragraphs 83, 84, and 187 of Takagi as describing this feature. The outstanding Advisory Action apparently cited paragraphs 4, 84, 102, and 132 of Takagi as describing this feature. However, Takagi

² See Dailey at column 5, lines 50-53.

³ See Dailey, column 12, lines 28-56.

describes a television conference management system. For example, as shown in Figure 3 of Takagi, terminals A1 and A2 exchange information which may be referred to by a terminal A0. In operation, a terminal which obtains conference information may request generation of a conference record. Upon reception of such a request, a hard copy of a screen, voice conversations, additional information input as text, and the like is captured at the time of the request.⁴ Accordingly, a conference record message is transmitted to a requesting system.⁵

Conversely, in an exemplary embodiment of the invention recited in Claim 1, a live distribution service for distributing streaming contents to users is provided in accordance with the reservation made in advance. In operation, a user, such as a personal computer (3), provides contents for distribution according to a reservation to a streaming server (5). Personal computers (4-1 - 4-3) receive the streaming contents from the streaming server according to the reservation made by the personal computer (3).⁶ **During the delivery of the streaming content, a shared file is generated when a corresponding group chat space is generated, the chat space corresponding to the reservation of the streaming distribution.** Upon generation of the group chat space, the whole or a part of the contents the group chatting performed in a chat space is stored in the shared file.

Upon conclusion of the delivery of the streaming content, such as during a video conference, a supply unit automatically provides the contents of the group chatting to the first terminal (terminal making the initial reservation) by sending the shared file including the group chatting contents after completion of the delivery of the first service. In other words, after the video conference is completed, the discussion between participants is automatically delivered to the entity which scheduled the conference.

⁴ See Takagi at paragraph 3.

⁵ See Takagi at paragraphs 83 and 84.

⁶ Application at page 8.

Although the Official Action has cited Takagi as describing the generation of a shared file at the time of generating a chat space including the group chatting contents for automatic delivery after completion of a first service, no such description is provided by Takagi.

Takagi merely describes a screen capture, audio capture or similar device which captures data upon the receipt of an appropriate request. In this regard, it is respectfully noted that the currently pending claims require "storing the contents of a group chatting in a shared file generated when the group chat space is generated." Takagi does not describe or suggest this feature. Takagi merely describes the capture of information in accordance with a request, which is respectfully submitted to teach away from the invention recited in Claim 1.

"A reference may be said to teach away when a person of ordinary skill in the art, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant." *In re Gurley*, 31 U.S.P.Q.2d 1130, 1131 (Fed. Cir. 1994). To this end, "disclosures in the references that diverge from and teach away from the invention cannot be disregarded", *Phillips Petroleum Company v. U.S. Steel Corp.*, 9 U.S.P.Q.2d 1461 (Fed. Cir. 1989).

Likewise, as neither Dworkin nor Dailey are cited as describing this feature, nor do they describe this feature, it is respectfully submitted that the *prima facie* case of obviousness has not been presented.

Claims 2-4 recite in part:

storing the whole or part of the contents of the group chatting performed in the group chat space ***in a shared file generated when the group chat space is generated***; and
supplying, automatically, the whole or a part of the contents of group chatting performed in the chat space ***to the first terminal by sending the shared file after completion of the delivery of the first service to the second terminal***.

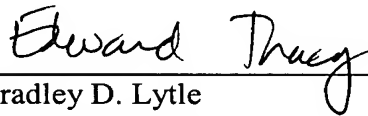
As noted above, none of Dworkin, Dailey, or Takagi teaches or suggests “storing” or “supplying” as defined in Claims 2-4. Accordingly, it is respectfully requested that the rejection of Claims 1-4 under 35 U.S.C. §103 be withdrawn.

CONCLUSION

Based on this clear legal deficiency in the above-noted rejection, Applicants respectfully request that the outstanding rejection be withdrawn.

Respectfully submitted,

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